

JUDGE ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDGARDO COLOSIO-DUSSAN, et. al.,

Defendants.

NO. CR06-206RSM

ORDER CONTINUING  
PRETRIAL MOTIONS  
DEADLINE AND  
TRIAL DATE

The United States, joined by six of the nine defendants currently pending trial in this case, filed a Motion for Order continuing for approximately three months the pretrial motions due date and the trial date, currently set for July 13 and August 28, 2006, respectively.

This Court's decision is based on the facts stated in the Motion and apparent from the record, including the following specific findings:

1. This case is complex and involves two related indictments and nineteen charged conspirators. It stems from a long-term investigation involving multiple agencies, and included the simultaneous execution of over thirty search warrants in two states on the date of arrest. The charges carry the potential for mandatory 10-year, 20-year, or even mandatory life sentences for some defendants, depending on criminal history.

2. This case involves a large volume of discovery that counsel must review prior to trial. Among this discovery is several thousand conversations intercepted over three Court-authorized Title III wire intercepts (wiretaps). Many of these calls are not in English, and must be translated into English for counsel and the Court. The translation effort has been

1 complicated by the fact that some calls are in an indigenous language of Southern Mexico,  
2 *Mixteco Bajo*, for which English-speaking translators are very difficult to find. The  
3 transcription/translation process in this case is expected to take several months. A  
4 continuance of the motions and trial dates will ensure that counsel has sufficient time to  
5 review these telephone calls prior to trial.

6 3. Six of the defendants (those listed as approving this Order, below) state that  
7 they need additional time to prepare for motions, plea negotiations, and trial, in order to  
8 provide defendants with adequate, effective, and continued representation. They assert that  
9 proceeding with the current motions and trial dates would result in a miscarriage of justice.  
10 These six defendants join in the Motion and agree that a continuance to November, 2006, is  
11 appropriate and necessary in light of the factors listed above.

12 4. Counsel for the six joining defendants anticipate that each of their clients will  
13 issue a written knowing, voluntary, and intelligent waiver of his/her right to a speedy trial  
14 through November, 2006. Counsel for two additional defendants do not oppose the motion.

15 5. In light of the interest of the public in ensuring the accused adequate, effective,  
16 and continued representation by counsel presently assigned, this Court finds that the ends of  
17 justice served by granting a continuance outweigh the best interest of the public and  
18 defendants in a speedy trial. This Court further concludes that the above findings and bases  
19 for continuing the trial comport with 18 U.S.C. § 3161(h) and the United States Supreme  
20 Court's recent decision in Zedner v. United States, 126 S. Ct. 1976 (2006).

21 Accordingly, for the reasons listed above and those apparent from the record, the  
22 Motion for Continuance is HEREBY GRANTED.

23 Trial is reset for November 13, 2006, at 9:00 a.m.

24 Pretrial Motions are due on September 7, 2006.

25 The Court further finds that time from the filing of the stipulated motion through the  
26 new trial date shall be excluded from computation under 18 U.S.C. §§ 3161(h)(8)(A),  
27 3161(h)(8)(B)(i), and 3161(h)(8)(B)(ii) for all defendants because the failure to grant the  
28 requested continuance would be likely to result in a miscarriage of justice, and because the

1 case is so complex due to the number of defendants, the nature of the prosecution, and the  
2 existence of novel questions of fact or law, that it is unreasonable to expect adequate  
3 preparation for pretrial proceedings or for the trial itself within the time limits established by  
4 the Speedy Trial Act, and under 18 U.S.C. § 3161(h)(7), because the defendants are all  
5 joined for trial and no motion for severance has been granted.

6 Dated this \_\_1\_\_ day of August 2006.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE

10 Presented by:

11 s/ Sarah Y. Vogel  
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17 Approved on July 10-11, 2006 by:

18 s/  
CAROL KOLLER  
19 JAY STANSELL  
for Edgardo Colosio-Dussan

20 /  
KENNETH KANEV  
21 for Jaciel Oranga-Zuniga

22 s/  
MICHELE SHAW  
23 for Oscar Vasquez-Cruz

s/  
ROBERT LEEN  
24 for Freddy Mascarenas-Rodriguez

s/  
STEPHAN ILLA  
25 for Ramiro Florentino Martinez

s/  
JEFFREY B. COOPERSMITH  
26 for Spencer Wydell Woods